

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

NORTHEASTERN DIVISION

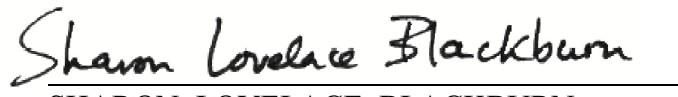
JAMES MICHAEL PRESTON)
)
)
v.) CV. NO. 09-B-8023-NE
)
UNITED STATES OF AMERICA) CR. NO. 03-B-54-NE
)

MEMORANDUM OPINION

The magistrate judge filed findings and recommendation on October 15, 2009 recommending that the motion to vacate be dismissed as untimely. The parties were allowed an opportunity in which to file objections. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the motion to vacate is due to be **DISMISSED**. A Final Judgment will be entered.

As to the foregoing it is **SO ORDERED** this the 10th day of November, 2009.



SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE